App. F. IX-4

Previous References

1928. (Mysore)

File No. 162-28

Serial Nos. 1 - 6

Later References

General and Revenue Secretariat.

Serial Nos. 6

Part B for May 1929

SUBJECT

Appeal petition of Lankappa of Avalahalli village re the recovery of Gutta amount of Rs 155-6-6 due from the Inam lands (S. No 38) endowed to Sri Hariharaveraswami temple in Byatarayanapura, Bangalore Taluq

No 2670 dated 29.5.1929

To the Mysg. Comr.

The gutta at the rate of Rs 37-p.a. from 1920-27 may be recovered from the appellt. in addition to the arrears due and the land be leased out for five years at a time

Rs

G. R. S. APP F.[II—1] 1928.

GENERAL AND REVENUE SECRETARIAT.

(Inwards)

NOTES.

File No. 162-28

FILE HEADING.

Recovery of arrears of Suits due from the inam land (S. no 38) endowed to Sri Harihareswara Swamy temple in Byatarayanapura, Bangalore Taluk.

FROM

Lankappa of Analahalli village, Bangalore Taluk

~~No.~~ Petition Dated Received 1-11-28

Diary No.	Enclos.	Spare copies	Serial No
640			1

BRIEF ABSTRACT OF LETTER

Appeals against the M.C's order directing for reasons stated, the recovery of the arrears of Suits from the apltt at the same rate as has been offered in the subsequent sale, and prays for a stay order, as the Taluk authorities

NOTES AND ORDERS.

have taken steps for the recovery of a sum of Rs 155-6-6 being the balance of arrears due from him -

The petition is duly stamped An authenticated copy of the M.C's order appealed against -

NOTES—First Sheet.

General and Revenue Secretariat.

Mun File No. 162 of 1928-29

Serial No.

has been produced. The M.C's order is dated 13th July, while the appeal petition has presented on 30th Oct. 1928. It appears to be in time taking into account the time taken for the delivery of the copy of order. May a report with records be called for on the appeal petition? Orders solicited on the apltts. prayer for a stay order.

Submtd. 1-11-28

The lease has sold for 5 years on an annual rental of Rs 95/- The sale path is reported to be missing. The apltts contention is that as a lessee under the temple Archaks, he has paying an annual rental of Rs 20/- that he has improved the lands, and what the C.d. sold has the 5 years' produce of the said land for Rs 95/- which amount he has already deposited. The M.C has held that the bid amount of Rs 95/- represents annual rental and not for the whole period, that the amount seems to have been raised in a spirit of violent competition

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4 28

General and Revenue Secretariat.

Serial No.

File No. 66 of 1925-29

and has shown the concession of the recovery of the arrears at the rate offered in the subsequent sale against this order, he has appealed to Govt.

Should the record may perhaps be called for.

AV
1-11-28.

The Manager's order runs the appellant. The appellant says that he had agreed for a yearly rental of Rs 20- for which he says that he intended to bid for only Rs 55- for 5 years. When at the original sale, he will have to pay Rs 100 for 5 years. The case does not seem one fit to be heard. If considered necessary the records will be called for & the appellant also heard. The applicant's stay order is also for orders. May perhaps be given in case the Govt is the Hon'ble Member

2772
7/11

7/11

A. Yes
B. No stay order need issued

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

9/11

General and Revenue Secretariat.

mur File No. 162 of 1928.

Serial No.	
	Dfs Submit H 9 11 – 28 mr copy 9 June MB 1/4/11
2	To, mur Collr No 900 dy 16.11.28 Forwards the petn for report with records & states that no stay order can be issued on the petn
3.	No 901 dy 16.11.28 Calls for the petn & the records of the case
4	From, the Dy C Letter no 843 dy 7/1/1929. Submits the report with records including his office file containing the order appealed against. 10 The previous pages of the office note explain the facts of this case. As ordered in para 6 of the office note, this case was be posted for hearing, notice being issued to the applt 12 Meanwhile the case may Submit Fr 2.2 1929. each mr copy

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4 28

General and Revenue Secretariat

1004 App. F. III-21

File No. 162 of 1928.

Serial No.

FC

13 The Mag[illegible] order to remain at the rate of Rs 60 a year, the amount for which the right may revert, remains unremarked. If Consideration necessary, the case will be posted for hearing along with other cases.

First Member

4/7/28

No. 4664.

14 A Yes

3 2 29

5/2

15 Bds notices & Submr

13 3 29

18/3

16 Dom

18/3

afc & Hg 24-3-1929.

17 Case called. Aplt was absent. Notices not returned served.

Adjd to 6th April 1929.

26/3/29.

5885 26/3

18 [illegible]

19 Appellant present. He asked for the case being taken up on some other day as the lawyer engaged by him could not appear today.

26/3/29

Mag 6-4-29

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

General and Revenue Secretariat | Muz. File No. 162 of 192 8

Serial No.

Date of Hg. 6-5-29

6920/25

No Notices issued

The case was heard on 6th April 1929.

Appellant Lankappa was present.

2\ The order of the Muzrai Commissioner that the Appellant should be required to pay gutta at the rate offered at the subsequent sale, is reasonable. This order is, however, silent as regards the particular amount to be fixed as gutta. At one of the subsequent auctions the Appellant himself offered Rs 30/- per year. An annual gutta at this rate should be recovered from him for the whole period from 1920-21 during which he has been in the enjoyment of the land, in addition to Government dues payable in respect of ~~the land~~ it. If the subsequent auction purchaser Annanappa has deposited any amount, interest at 3 per cent. per annum on such amount should also be paid to him by the Appellant. If the total amount recovered from the Appellant is more than all these claims, the excess may be refunded to him. Arrangements should be made for leasing out the land for a period of five years at a time and the conditions of the leases strictly enforced without giving occasion for irregularities of the kind which were allowed to occur in the case under consideration.

Muz

6/5/29

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

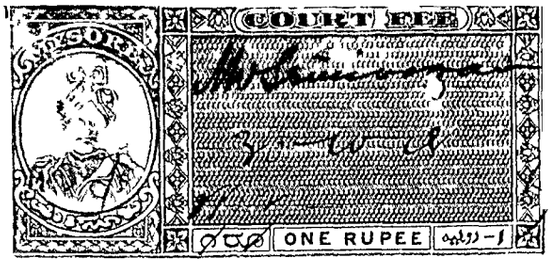
General and Revenue Secretariat

File No. 162 of 192 7

Serial No.	
1	Mr. under Secretary AV 13.5.28. LWS 16/5/28 23 Please put up an endorsement to the applicant also 23 15/5
2	Mr. under Secretary AV 16/5/28. LWS 16/5 25 Copy to be kept ready 23 15/5
3	To 10 6 0 1930.

Note—Contn Sheet

WD 01684—GPB—30,000—20 4-29



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA IN MYSORE | BANGALORE.

MUZRAI APPEAL No. | of 1928-29

APPELLANT:- Lankeppa, son of Kengaboranna
Avalanalli Village, Bangalore Tq.

The appellant above named respectfully begs to prefer this appeal against the order of the Muzrai Commissioner in Mysore in appeal No.46 of 1927-28 and begs to prefer the -- following grounds of objection to the order appealed from:-

SECY. & REV. SECRETARY'S
1-11-1928
MUZRAI
670
Muz 162-28-1

1. That for over 40 years the appellant and his --- father were lessees of the Inam Land Survey No.38 pertaining to Sri Harihareswara Temple in Byatarayanapura in Kasba Hobli, Bangalore Taluk. They had taken the lease from the Temple Archakas on an annual Gutta of Rs.20/- and had given Rs.100/- as advance which had to be returned on the termination of the lease.

2. That in the year 1919-20 the taluk authorities sold the five years' produce of the said land and the appellant'S fearing that their possession would be deprived, purchased the same for Rs.95/- in the name of the appellant's brother Hanumanthappa. But the sale was not confirmed and a resale was held and again the appellant purchased the same for Rs. 95/- and deposited the entire sale amount.

3. But till now the appellant was not informed whether the sale in his favour was confirmed or not nor did the Government take any steps to put him in possession of the land

P.T.O

4. However the appellant as lessee from the Archakas continued to be in possession till 1925 paying assessment to Government . But in July 1925 the taluk authorities for the first time after 5 years , made a demand claiming the balance of the sale amount calculated at Rs.95/- per year. But the appellant having protested that the sale was held for five years' produce and was sold for Rs.95/- for all the five years and that it was not a sale of one year's produce at Rs.95/-, the authorities have kept quiet for nearly two years and then the learned Sub Division --- Officer gave an endorsement to the effect that the records showed that the rate of Rs.95/- was for a year -- and not for all the five years, and claimed immediate -- payment of the arrears. That against that order the -- appellant preferred an appeal to the Deputy Commissioner who dismissed the appeal on the technical ground that it was barred by time. But in appeal the learned Muzrai Commissioner modified the order and directed that the arrears might be recovered from the appellant at the same rate as has been offered in the subsequent sale . Hence this appeal.

5 In view of the fact that the sale patti, which is the primary evidence in the case , is missing and in the absence of any other data, the lower courts were not justified in inferring that the amount of bid was for each year's rental and not for the whole period.

6. Considering that the appellants were holding the land as lessees for over 40 years on a Gutta of Rs.20/- and considering that the land in question is only about four acres in extent and not very fertile, and also the ~~fact~~ fact that though the land has been repeatedly sold only bids of Rs.35 or 40 was offered and not confirmed

confirmed the conclusion drawn by the lower courts is inequitable and unjust.

7. That in view of the fact that the appellant and his father before him have been lessees of this land for over 40 years and have spent considerable sums of money in improving the land and have constructed a Katte and a Temple for Muneswara, the lower courts ought to have confirmed the possession of the land to the appellant permanently on any sort of tenure and on such terms as might be considered -- reasonable and just.

8. In execution of the order of the learned Muzrai Commissioner the Amildar has claimed a sum of Rs.155/6/6. as balance of arrears due from the appellant after giving -- credit to the sums of Rs.384-9-6 which had been collected - from the appellant under protest. But they have failed to credit the Kandayam amount paid by the appellant year after year at Rs.2/14/- per year.

9. That subsequent to the sale in favour of the appellant the five years' produce of the land has been sold for Rs.36/- and once for Rs.30/- and once for Rs.41/- and again for Rs.60/- when one Andanappa who is not in good terms with the appellant to deprive the -- appellant deliberately and with intent to deprive the appellant of the possession of the land offered to pay Rs.60/- and the Amildar without any formalities of sale accepted his offer. In the face of the above facts the order of the learned Muzrai Commissioner is not clear as to the rate at which the arrears are directed to be recovered from the appellant and how the moneys recovered from the appellant from time to time are to be adjusted.

10. Wherefore the appellant respectfully prays that the order of the Lower court be set aside and possession

possession of the land be confirmed to the appellant on terms which may be found reasonable and equitable under the circumstances of the case.

The appellant further prays that as the Taluk authorities are attempting to execute the order, a stay order might kindly be issued pending the disposal of this appeal before this Hon'ble Court.

Bangalore
30-10-1928

D. Srinivasan
Rishesharti
Advocates for Appellant.

Order of the Muzrai Commissioner in Mysore.

Subject

Appeal petition no 46 of 27-28 of Lankappa and Hanumanthappa Sons of Kengaboramma of Alalahalli village Bangalore Taluk against the order of the Deputy-Commissioner Bangalore District dismissing as time barred their appeal against the Sub-Division officers order directing the recovery of Rs 95/- per annum being the annual Gutta due on the lands in Boyatarayanapura endowed to Sri Harihareswara Swami Temple at Gavipura

Facts of the Case

The above institution owns Inams S.No 38 dry 4 acres 35 Guntas, Wet 0.34 assessed at Rs 8/- of Boyatarayanapura village the land was leased out for 5 years and purchased by Lankappa in March 1920 for Rs 95/- the initial deposit having been paid on 24-3-20 and the balance on 2-6-1920. The lease was confirmed in his favour by the Deputy-Commissioner on 22-4-1921, when the lease amount for subsequent years was demanded the lessee contended that the sum of Rs 95/- was for all the 5 years not per year On 18-8-25 ~~the~~ he presented a petition to the Sub Division officer who after enquiry gave an endorsement that the records showed that the rate of Rs 95/- was for a year and not for

E PEE ಫಾರ್ಮ್

Before the Government of His Highness ಕೋರ್ಟಿಗೆ
the Maharaja of Mysore -
Bangalore

192 - 2 ನೇ ನಂಬರು.
Mysore Appeal No. 3428-29

ವಾದಿಯು ಯಾ ಅರ್ಜಿದಾರ್ ಪ್ರತಿವಾದಿ ಯಾ ಆಪ್ಪೋನೆಂಟ್

Appellant.

Lankesha Vs.

ಮು|| ರಾ|| ಕೆ. ಯಸ್. ಶ್ರೀನಿವಾಸ್, ಎಂ. ಎ., ಎಲ್ಎಲ್. ಬಿ.,
ಮು|| ರಾ|| ಆರ್. ಕೇಶವಾದ್ರಿ, ಬಿ. ಎ. ಎಲ್ಎಲ್. ಬಿ. ಅಡ್ವೋಕೇಟ್ಸ್‌ರವರಿಗೆ
M/s Srinivasa Rao BABL

Appellant ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪೈರುವಿನಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ನಿಧಿಸಾವ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ಕನು ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ರಾಜಿ ವಗೈರೆ ಪೈಸಲ್ಮಾಡಿಸತಕ್ಕ ಬಗ್ಗೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಕಿಲ್ಲು ಮೊಬಲಗು ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ನಾವನು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ನಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು ರುಜು

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮುಕ ಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.
K. Srinivasa Rao
Advocate

ಬೆಂಗಳೂರು 30/12/28

The Town Press, Bangalore City.

VI. G1]

SUBJECT.....

.....

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2085

Section Mes

File No. 16[illegible]-28

Serial No. 2

No. 900 Revenue file.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To The Dy. C.

Date of issue 16/11/28

Signed by.....

Sir,

I am directed to forward herewith for report the records, petition no. 670 from Lakkeppa of Anallalli Village in the Bangalore Taluk, appealing against your order directing the recovery of certain arrears of Inam from the aplt in respect of the Inam land endorsed

List of enclosures.....

Copied by .....

Examined by .....

over

WD0325—GPB—30,000—26 5-27

Harihareswara Swamy temple
in Byatarayanapura in the
Bangalore Taluk. The Appt has been
informed that as prayed for by him, no Stay order
have ole. be issued.

W/ 14/11

for Asst. Secy

Endorsement, C. 901 dt 16-11-62

DRS with ref. to his petition May 162-63-3
no. 670 appealing against the
R.D.'s order in the matter
of the recovery of the arrears
of Inam due from the
Inam S No. 38 endowed to
Sri Harihareswara Swamy
temple in Byatarayanapura,
Bangalore Taluk, Lankeppa of
Anacahalli village, Bangalore
Taluk, is informed that
a report has been
called for from the R.C.
and that no Stay order
can be issued as prayed
for by him

B. O.

W/ 14/11

(D) Asst. Secy

7 JAN. 1929

No. 843 / 28-9

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE.

Bangalore,.....3rd..January.....192 9.

7

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
Muzrai~~x~~ *Commissioner in Mysore.*

REVENUE SECRETARIAT. 8 JAN 1929 D 1004

TO

P. Srinivasa Iyengar, Esq., B.A., P.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

Muz 162-28-4

7/1/29

SIR,

With reference to your letter No.900/Muz.162-28-2 dated 14/16th November 1928 forwarding for report with records petition from Lankeppa of Avalhalli village, Bangalore Taluk appealing against -- this office order directing the recovery of certain arrears of Kutwa due from the appellant in respect of the Inam land enclosed to Sri - Harihareswaraswamy temple in Byatarayanapura Bangalore Taluk, I have the honor to submit herewith the entire file of vernacular records received with the Bangalore District Deputy Commissioner's letter - No.C.3-2615 of 28-9 dated 21st December 1928. This office file -- No.D1 dis.13 of 28-29 dated 13th July 1928 containing the order appealed against, the preamble of which gives the facts of the case is also enclosed for reference and kind return.

The appeal petition together with its enclosures received with your letter under reference is also herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

for Assistant Commissioner.
Muzrai Commissioner.

(Absent from Station.)

Before the Government of His Highness the Maharaja of Mysore.

Muz. Appeal No. 14 of 1928-9.

Appellant. ~~Respondent~~

Lankeppa, Son of
Kengabacauna, Analhalli
Village, Bangalore Dalua.

Subject.

Appeal against the M.C's order directing the recovery from the appellant, of the arrears of Sista at the same rate as has been offered in the Subsequent Sale, in respect of inam S. No. 38 enjoyed by Sri Harihareswara Swamy, temple in Byatarayanapura in The Bangalore Dalua

Arising Decision

This case was heard on 6.4.1929. Abt.

GPB—1,000—8-8-11

19

Lankappa was present

Copy members minutes on
page 6 of the Office note.
From " the order of the M.C.
to ..... " under consideration "

~~~
~~~

Before the Government of His Highness the Maharaja of Mysore.

Muzrai Appeal No. 14 of 1928-29

Appellant. *Vs.* Respondent

Lankappa, son of Kengaboranna,
Avalahalli village,
Bangalore Taluk

Subject.

Appeal against the Muzrai Commissioner's order directing the recovery from the appellant, of the arrears of gutta at the same rate as has been offered in the subsequent sale in respect of Inam Survey No. 38 endowed to Sri Hariharesvaraswami temple at Byatarayanapura in the Bangalore Taluk.

O r d e r .

This case was heard on 6th April 1929. Appellant Lankappa was present.

The order of the Muzrai Commissioner that the Appellant should be required to pay gutta at the rate offered at the subsequent sale, is reasonable. This order is, however, silent as regards the particular amount to be fixed as gutta. At one of the subsequent auctions the Appellant himself offered Rs. 30/- per year. An annual gutta at this rate should be recovered from him for the whole period from 1920-21 during which he has been in the enjoyment of the land, in addition to Government dues payable in respect of it. If the subsequent auction

GPB—1,000—8-8-11

purchaser Andanappa has deposited any amount, interest at 6 per cent per annum on such amount should also be paid to him by the Appellant. If the total amount recovered from the Appellant is more than all these claims, the excess may be refunded to him. Arrangements should be made for leasing out the land for a period of five years at a time and the conditions of the leases strictly enforced without giving occasion for irregularities of the kind which were allowed to occur in the case under consideration.

Memo No. dated, Bangalore, the 28th May 1929.

Copy of the above is forwarded with compliments to the Huzrai Commissioner in Mysore with the records received with his letter No. 843 dated 7th January 1929.

By order,

for Secretary to Government,
to Financial Department.

G.R.G.3.

JECT..... 2965 .....

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Diary No. of letter replied to.....

Section M 4-1

File No. 1

Serial No.

No. 7

General and Revenue Secretariat

( )

the 192

To

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Date of issue.....

Signed by.....

st of enclosures.....

Copied by.....

Examined by.....

Endorsement granted to Lankappa of Analahalli Village, Bangalore Taluk, with ref. to his Petition no. 670 dy 1-11-28 appealing against the M.C's order directing the recovery of the arrears of Inam from the applt. at the same rate as has been offered at the subsequent sale. Re inam S. no. 38 endowed to Sri Harihara Swamy temple in Mahadevapura, Bangalore Taluk the applt. is informed that orders have been issued directing that an overassessment Inam

at Rs 30/- per year should be
recovered from him for the
whole period from 1920-1 during
which he (the appellant) has been in the
enjoyment of the land, in addition
to land dues payable in respect
of it, provided that if the subsequent
auction purchaser Andanappa
has deposited any amount,
interest at 8% per annum
on such amount should also
be paid to him by the aplt. as compensation
and that if the total amount
recovered from the appellant is more
than all these claims,
the excess may be refunded
to him. ~~and that arrangements~~
~~should be made for leasing~~
~~out the land for a period of~~
~~5 years at a time.~~

B. O.

17/5